



DFW

PATENT
Customer No. 22,852
Attorney Docket No. 06478.1494

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Gerhardt KUMPE et al.) Group Art Unit: 1653
)
Serial No.: 10/670,563) Examiner: Agnes Beata ROOKE
)
Filed: September 26, 2003)
)
For: CONCENTRATE OF A FACTOR) Confirmation No.: 8137
VIII:C-CONTAINING VON)
WILLEBRAND FACTOR AND THE)
PROCESS RELATING THERETO)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated June 16, 2005, the Examiner required
restriction under 35 U.S.C. § 121 between the following groups:

- Group I: Claims 1-9, drawn to a concentrate of a factor VIII:C, classified in
class 530, subclass 350.
- Group II: Claims 10-15, drawn to a process for producing a concentrate of a
factor VIII:C, classified in class 514, subclass 12.
- Group III: Claims 16-18, drawn to a process for producing a concentrate of a
factor VIII:C, classified in class 514, subclass 12.

Applicants provisionally elect to prosecute Group II, claims 10-15, drawn to a
process for producing a concentrate of a factor VIII:C, with traverse.

Section 803 of the M.P.E.P. states that "[i]f the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."

(M.P.E.P. § 803, emphasis added.) Applicants respectfully submit that this policy should apply to this application in order to avoid unnecessary delay and duplicative examination.

Applicants submit that this search can be made without undue burden because a literature search for these groups would be largely coextensive. A thorough search for a concentrate of a factor VIII:C-containing von Willebrand factor should also involve a search for processes of producing such a concentrate. Applicants also note that Groups II and III involve subject matter that has been given the same classification numbers (class 514, subclass 12). Accordingly, Applicants respectfully request the restriction to be withdrawn.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 13, 2005

By Amy E. Purcell
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